

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JOHN M. MCGOWAN                               §  
VS.   §      CIVIL ACTION NO. 1:05cv830  
STATE OF TEXAS                               §

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

John M. McGowan, proceeding *pro se*, filed this petition for writ of habeas corpus.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the petition. The magistrate judge recommends the petition be dismissed for failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Petitioner filed objections to the Report and Recommendation.

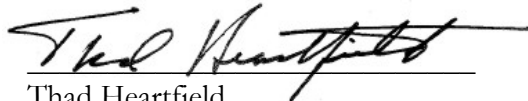
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. See FED. R. CIV.

P. 72(b). After careful consideration, the court concludes the objections are without merit.

O R D E R

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing the petition.

**SIGNED** this the **5** day of **January, 2006**.

  
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Thad Heartfield  
United States District Judge